



Written by [Matt O'Brien](#) on December 20, 2023

Alberto Gonzales' Muddled Message on Migration

Former Attorney General (AG) Alberto Gonzales recently published an essay on [CNN's](#) website claiming that “the border crisis has reached a breaking point” and that “we must come together as one country and compromise toward a solution that secures our border and respects the rule of law and the humanity of all people.”

Unfortunately, Mr. Gonzales' piece is a stunning example of the type of muddled thinking that prohibits American politicians from executing the will of the American people and fixing our never-ending immigration and border security problems.



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His rambling disquisition proceeds from two flawed notions: 1) That respecting our current immigration laws would somehow deny dignity to migrants; and 2) that we should change our immigration laws in order to accommodate the needs and wants of foreigners who have no connection to the United States. And the disjointed, nonsensical reasoning just gets worse from there.

Gonzales uncritically accepts the baseless premise that our immigration system is somehow “broken.” He asks, “Why do we tolerate an immigration system that punishes the desperate and the patient alike — one that is simultaneously incapable of providing sufficient lawful workers to the U.S. or effective border security?”

In reality, Americans aren't willing to tolerate a dysfunctional immigration system. As [polls](#) have [repeatedly shown](#), the citizens of the United States want their borders secure and reasonable restrictions on immigration that will preserve [national security and public safety](#).

And the fact is, our nation isn't actually faced with a malfunctioning immigration system. Rather, America's political leaders have warped a perfectly serviceable system by willfully ignoring the Immigration and Nationality Act (INA) whenever they find its provisions inconvenient. Thus, instead of sanctioning those who break our immigration laws, we reward them.

From the widely abused [Temporary Protected Status](#) program to the blatantly illegal [Deferred Action for Childhood Arrivals](#) (DACA) and the constant abuses of [immigration parole](#), illegal aliens and other immigration violators are rewarded and even celebrated. But as every parent and teacher knows, if you incentivize bad behavior, you just invite more of it.

The net result is that poor, uneducated, unskilled people who feel like they have nothing to lose but everything to gain by coming to the United States keep showing up at our borders. And they do so because, as they perceive it, Barack Obama, Joe Biden and Alberto Gonzales, *et al* have invited them here.

Meanwhile, rule-following skilled workers and degreed professionals looking for a place to exchange their abilities for a reasonable wage see their places in line cut. The wait times for a visa become inexorably longer because the pipeline is clogged with meritless applications that keep Immigration



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Judges and U.S. Citizenship and Immigration Services adjudicators from getting to the legitimate ones. And the aliens who file baseless applications vigorously exploit a system that permits endless appeals, in the hope that they can benefit from the next mass amnesty.

In short, our immigration system doesn't "punish the desperate and the patient alike," it rewards law-breakers while chastising the law-abiding.

Mr. Gonzales has also allowed himself to fall prey to the tiresome trope that managing our borders is a dualistic enterprise that requires us to fulfill two goals simultaneously: facilitating the lawful entry of aliens while weeding out immigration law breakers. This is an absurd formulation, which implies that immigration enforcement interferes with the lawful movement of eligible aliens into the United States. The intended message is that you can't have both a robust legal immigration system and stringent immigration enforcement at the same time.

However, this approach proposes a monumentally silly and utterly false dichotomy. If anyone attempted to characterize the function of the criminal justice system as "facilitating law-abiding behavior while simultaneously stamping out deviant behavior," he or she would be laughed at by legitimate scholars and serious commentators alike.

The process of enforcing the INA is the process of facilitating the lawful entry of migrants. Rather than being two separate activities that exert deleterious effects upon each other, they are simply two sides of the same coin. And, until the 1986 amnesty, the United States had, concurrently, both fulsome legal migration and very effective border enforcement.

The solution to the current immigration crisis is not to redesign our system or to create new immigration categories by fiat, as Team Obama did with DACA and Team Biden has done with its unlawful [Venezuelan](#), [Afghani](#), and [Ukrainian](#) parole programs. To avert the crisis, the Biden Administration need only follow the laws currently on the books, as Congress wrote them.

Although former Attorney General Gonzales apparently can't see the forest for the trees on this issue, consistently applying the penalties for violating the INA would send a clear message to all migrants: "Come here unlawfully and you won't be allowed to stay; come here with authorization and break our laws, and your stay will be cut short." There is nothing inhumane about telling foreign nationals they can't enter the United States whenever and wherever just because they want to. And, at least under the American justice system, adherence to the rule of law and compassion are not mutually exclusive goals.

Matt O'Brien is the Director of Investigations at the [Immigration Reform Law Institute](#) and the co-host of IRLI's podcast "No Border, No Country." Immediately prior to working for IRLI he served as an immigration judge. He has nearly 30 years of experience in immigration law and policy, having held numerous positions within the Department of Homeland Security.



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